

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L. NASH,

Plaintiff,

v.

DOUG WADDINGTON *et al.*,

Defendants.

Case No. C04-5161FDB

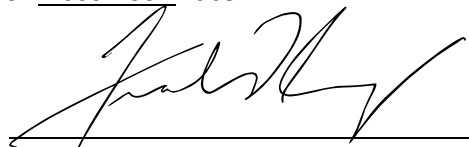
ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Magistrate Judge submitted a report and recommendation that Plaintiff's motion for summary judgment be denied and that Defendant Waddington be granted qualified immunity from liability. Plaintiff filed objections referencing certain cases and contending that Waddington is not entitled to the qualified immunity defense. Plaintiff also filed a reply to Waddington's response to the objections purporting to supply new evidence that Waddington is not entitled to qualified immunity. Plaintiff attaches a previously filed Waddington declaration, a Department of Corrections memorandum regarding inmate law library priority access, pages from the DOC Grievance Policy and Procedures Manual, among other documents previously filed with the Court. Plaintiff's objections lack merit. The Court agrees with the Magistrate Judge's conclusion that Defendant Waddington is entitled to qualified immunity.

1 The Court, having reviewed the cross motions for summary judgment, the Report and
2 Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and
3 Recommendation, and the remaining record, does hereby find and ORDER:

- 4 (1) The Court adopts the Report and Recommendation;
- 5 (2) Defendant Waddington is entitled to qualified immunity from damages as he could
6 reasonably have believed his action lawful. Defendant Waddington's motion for
7 summary judgment is **GRANTED**.
- 8 (3) The Clerk is directed to send copies of this Order to plaintiff, counsel defendants, and
9 to the Hon. Karen L. Strombom.

DATED this 22nd day of December 2005.

10 

11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28